

**Assembly Bill 703 (Lempert, et al) Chapter 849**  
***Ballast Water Fee***

*Effective January 1, 2000. Adds and repeals Division 36 (commencing with Section 71200) of the Public Resources Code.*

**Requires the Board to collect a fee from the owner or operator of each vessel that enters a California port with ballast water loaded from outside the exclusive economic zone (EEZ).**

**The fee shall be established by the State Lands Commission in an amount not to exceed one thousand dollars (\$1,000) per vessel voyage. The cap may be adjusted for inflation every two years. In establishing the fee, the State Lands Commission may establish lower levels of fees and the maximum amount of fees for individual shipping companies or vessels. Any fee schedule established must take into account the impact of the fees on vessels operating from California in the Hawaii or Alaska trades, the frequency of calls by particular vessels to California ports within a year, the ballast water practices of the vessels, and other relevant considerations.**

**The fees shall be deposited into the Exotic Species Control Fund, as created by this bill, to carry out the ballast water management program. The ballast water management program includes:**

- **Prohibition on the discharging of ballast water that was initially loaded from waters outside the Pacific Coast Region into the waters of the state.**
- **Reporting of certain information by the owner or operator of a vessel carrying ballast water before the vessel departs from the first port in California.**
- **Monitoring and sampling activities by the State Lands Commission.**
- **Civil liability for the violation of program requirements.**
- **Evaluation of alternatives for treating ballast water in order to eliminate the discharge of exotic organisms.**
- **Conducting a study to establish baseline conditions in the coastal and estuarine waters of the state.**

**The provisions of this bill shall remain in effect only until January 1, 2004, and as of that date is repealed.**

***Sponsors: Center for Marine Conservation  
San Francisco BayKeeper***

***Law Prior to this Bill:***

**Porter-Cologne Water Quality Control Act**

Current law requires the State Water Resources Control Board (SWRCB) to formulate and adopt state policy for water quality control. The SWRCB and regional water quality control boards have regulatory authority relating to water quality. Each regional board must formulate and adopt water quality control plans for all areas within the region. In terms of coastal marine environments, wastewater discharges must be treated to protect present and future beneficial uses.

Current law also prohibits an aquatic plant or animal from being imported into this state without the prior written approval of the Department of Fish and Game. The law prohibits the placing of any live fish or any aquatic plant without first submitting it for inspection to, and securing the written permission of, the Department of Fish and Game.

***Comments:***

1. **Purpose.** This bill is an effort to respond to concerns from discharges of non-indigenous species in ballast water. The sponsors, the Center for Marine Conservation and the San Francisco BayKeeper, contend that the discharge of non-indigenous species into state and federal waters is “exacting increasing costs on the nation’s economy, environment, and human health” and ballast water “is a major source of aquatic non-indigenous species, and its contribution to the problem is increasing.”
2. **The bill does not contain the necessary reporting, payment, and collection provisions.** In order for the Board to properly administer the provisions of this bill, collection, refund, registration and payment due dates must be added to the law.